

canceled, and claims 15-31 substituted therefore. Reconsideration of the rejections of record is requested in light of the newly presented claims and the following remarks.

### **THE INTERVIEW**

Applicants thank Dr. Turner for a most cordial and fruitful telephonic interview held June 20, 2005. Prior to the interview, the applicant had submitted proposed new claims for the examiner's consideration. During the course of the interview, applicant's attorney indicated that the proposed claims were directed to three sequence species that are patentable over the prior art. The examiner indicated that a prior restriction had limited the claims to the presently labeled SEQ ID NO:3, and including variations over this sequence would require further searching. The applicant's attorney requested consideration of an independent claim including a generic sequence including SEQ ID NO:3, provided with variations at a few specific sites. The examiner suggested inclusion of broad and narrow claims that would contain the already indicated allowable subject matter in the interest of expediency. The following remarks contain the just of the arguments exchanged during the interview and an expansion thereof. The applicant requests reconsideration of the outstanding rejections in view of the newly submitted claims and the following remarks.

### **THE ELECTION/RESTRICTION**

The examiner makes final a prior requirement for restriction because the technical features differ in sequence structure, function, effects and are capable of distinct utilities. The applicant traverses this rejection as it may apply to the presently submitted claims.

The applicant now and earlier has traversed the provided ground for restriction. Newly presented claim 15 and an amended Sequence Listing section now employ generic sequence as SEQ ID NO:1 that is believed to be fully in compliance with the requirements of 37 C.F.R. §§1.821-1.825. Claim 15 is properly generic to the species encompassed. SEQ ID NO: 1 included in claim 15 is generic to three sequences of similar sequence structure, function effect and having similar utility. SEQ ID NO: 1 is a 17-amino acid sequence, wherein 15 amino acids are fixed, and only 2 may be varied in limited for only to provide a total of three sequences. An artisan would readily understand that these three sequences have the following common features and permitted variations in the generic sequence. Amino acids 1-17 comprise a highly conserved, indeed essentially identical, amino acid sequence that comprises two fully conserved segments, i.e. amino acids 1-7 and 9-16. The only sequence variations permitted are found at amino acids 8 and 17

- I- conservative substitutions C, G or P ARE permitted at position 8.

II- either amino acid R, or lack of it are permitted at position 17.

The amino acid sequence of claim 15 is generic to the species of SEQ ID NOS: 3, 8 and 9, all of which form a proper Markush group, share a common utility, i.e. they bind to antibody isolated from schizophrenic subjects, and share a substantial structural feature, i.e. core amino acids 1-7 and 9-16. Claim 15 is clearly generic within the meaning of 37 CFR §1.141 and MPEP §§806.04(a), et seq. The examiner is hereby invited to explicitly withdraw the restriction requirement.

#### **THE SEQUENCE LISTING & STATEMENT**

The examiner objected to the previously submitted sequence listing.

The applicant is providing with this amendment a Sequence Listing in paper and computerized form that reflect the present text of the claims and the specification, and requests that the above objection be reconsidered and withdrawn.

In compliance with the requirements of 37 C.F.R. §1.821(f) and (g), the applicant, through its attorney, hereby states that the submission does not include new matter; and that the content of the attached paper and computer readable copies of the Sequence Listing are identical.

#### **THE NEW MATTER OBJECTION**

The examiner objects to new matter purportedly introduced in the claims and disclosure.

All previous claims have been canceled and, since the examiner does not specifically list her objections to the specification the applicant is unable to comply with her request. The examiner is hereby authorized to either specifically indicate what language is to be canceled from the specification, or to proceed with its deletion.

#### **THE WRITTEN DESCRIPTION REJECTION**

Claims 1, 3, 7-8, 11 and 13-14 stand rejected under 35USC1.112, first paragraph, as failing to comply with the written description requirement.

This rejection is believed to be moot because all prior claims have been canceled.

#### **THE HEDGES ANTICIPATION REJECTION**

Claims 1, 3, 7 and 14 stand rejected under 35USC 1.102(b), allegedly as being anticipated by Hedges. This ground of rejection is traverse to the extent that it may apply to the presently submitted claims.

Claims 1, 3, 7 and 14 have been canceled and claims 15-31 substituted therefore. These claims are believed to differ from, and be unobvious over Hedges. This rejection is, therefore, moot, and should be withdrawn.

#### **THE TAYLOR OR MCALEESE ANTICIPATION REJECTION**

Claims 1, 3, 7-8, 11 and 14 stand rejected under 35 USC1.102(b), allegedly as being anticipated by Taylor (and also McAleese?). This ground is traversed in so far as it may be applied to the present claims.

The examiner is reminded that an anticipation rejection should be based solely on one reference.

Claims 1, 3, 7-8, 11 and 14 have been canceled, and claims 15-31 are believed to be different from, and patentable over the disclosure and sequences of both references. As this rejection has become moot, it should be withdrawn.

#### **THE JANKOVIC ANTICIPATION REJECTION**

Claims 1, 3, 7-8, 11 and 13-14 stand rejected under 35USC1.102(b), as being anticipated by Jankovic. This ground is traversed as it may apply to the pending claims.

Claims 1, 3, 7-8, 11 and 13-14 have been canceled, and claims 15-31 substituted therefore. Claims 15-27 are believed to be different from, and patentable over the disclosure and sequences of the Jankovic reference, which renders this rejection moot. The examiner is invited to withdraw it.

#### **THE AMENDMENTS**

The applicant is submitting an amended Sequence Listing section in paper and computerized form along with a Declaration with sequences that correspond to the presently submitted claims. The amendments to the claims and the specification have been made in order to place the claims in proper US form and clarify the subject matter being claims. The claimed subject matter is fully supported by the specification as filed, and the original claims. In particular, newly presented SEQ ID NO:1 corresponds to SEQ IS NO:3, wherein the amino acids at positions 8 and 17 may vary in accordance with the disclosure of the specification as filed at, e.g. page 9, and original claim 2 (original SEQ ID NOS: 2, 7 and 8, now renumbered as SEQ ID NOS:3, 8 and 9). No new matter is believed to have been introduced hereby.